

The Flinn Report

Illinois

Regulation

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Issue 30

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

PESTICIDES

The DEPARTMENT OF AGRICULTURE adopted an amendment for rules titled "Illinois Pesticide Act" (8 Ill Adm Code 250), effective 7/14/06, to implement Public Act 94-60. The rulemaking expands registration and licensure of pesticide dealers who sell restricted use pesticides to include dealers who sell non-restricted use pesticides in containers with a 2.5-gal. or 10-lb. capacity or greater for use in the production of an agricultural commodity. Those affected by this rulemaking include "farm stores" or other outlets that sell pesticides in the specified sizes for use in the production of an agricultural commodity.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, Fax 217/785-4505.

STATE EMPLOYEES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Pay Plan" (80 Ill Adm Code 310), effective 7/17/06, to update the various rates of pay for collectively bargained positions for fiscal year 2007 based on agreements with

various entities (e.g., Teamsters; American Federation of State, County and Municipal Employees (AFSCME); Illinois Federation of Public Employees). The affected State agencies are the departments of Central Management Services, Corrections, Employment Security, Human Services, Natural Resources, State Police, Transportation, and Veterans Affairs. For example, the agreement between the Illinois Federation of Teachers, AFL-CIO Local 919, CMS, and Human Services pertains to teachers of the deaf, and the agreement between AFSCME, AFL-CIO, CMS, and Corrections pertains to Corrections meet-and-confer employees. CMS also removes prior fiscal year rates from the rule and adds a designated pay rate approved by the Governor for a senior public service administrator at the Illinois Gaming Board in the Department of Revenue with an annual salary of \$133,104. For positions that are collectively bargained, the rulemaking replaces the term "extra duty pay" with "temporary assignment pay" and clarifies how the pay will be calculated. Additionally, the rulemaking strikes superior performance increases for positions that are collectively bargained. The rulemaking also strikes

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Proposed Regulations

MERCURY EMISSION STANDARDS

The POLLUTION CONTROL BOARD proposed adding 2 new sections to "Control of Emissions from Large Combustion Sources" (35 Ill Adm Code 225) that would add a temporary, technology-based standard (TTBS) to control mercury emissions for coal-fired electrical generating units (EGUs) at new and existing sources. Those EGUs that satisfy prescribed eligibility requirements may demonstrate compliance with control requirements for mercury emissions via TTBS for a specified time period. Other topics covered are emission control, monitoring and recordkeeping, and notification and reporting requirements; application contents and deadlines; and evaluation of alternative control techniques for mercury emissions. The Board states that this rulemaking is intended to supplement PCB's proposed new Part 225 that was published in the 5/19/06 *Illinois Register*. The new Part as originally proposed gives 2 alternative mercury emission standards to demonstrate compliance. It also exempts specified EGUs that will be shut down by the end of 2010 or 2011.

Requests for copies/comments until 9/11/06: Dorothy Gunn, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. For more information: Marie Tipsord at the same ad-

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

salary ranges for out-of-state or foreign service rates because a previously adopted rulemaking put new rates into effect on 4/17/06 (see the 4/28/06 *Illinois Register* or *Flinn Report*). A new provision describes the comparison of pay grades or salary ranges assigned to classifications. Other changes clarify definitions, delete specific obsolete effective dates, and update references to the fiscal year. For example, an amendment clarifies that a commission, incentive pay, bilingual pay, and longevity pay are not included in the definition of "base salary". Changes since 1st Notice correct cross-references to Appendix B, which has a new heading; clarify the heading text for new hire rates in tables D, E, and F of Appendix A; correct the 7/1/06 monthly rate for the auto and body repairer with Pay Plan Code S to "4479" in Table G of Appendix A; and remove unneeded, repeated text from Table K of Appendix A.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570.

removes proposed text that permitted electronic filing only at the discretion of the Secretary of State.

Questions/requests for copies: Robert Durchholz, Office of the SOS, 350 Howlett Bldg., Springfield IL 62756, 217/782-4909.

SOS also adopted amendments to "Uniform Commercial Code" (14 Ill Adm Code 180), effective 7/11/06, add a definition for online services for conducting searches or filing documents with the Uniform Commercial Code (UCC) division of the SOS, which will offer online interactive operations. Hours for electronic filing and search services are 365 days per year except for maintenance and unscheduled interruptions of service. A UCC document filed with the division will be stamped with the date and time of receipt or otherwise have the date and time permanently associated with the record in the UCC information management system. Electronic filing requires the same \$20 fee as paper filing. The division will accept payment by debit cards issued by approved issuers, and required information for debit card payments is listed (e.g., expiration date of card). The rulemaking announces that SOS is authorized to adopt systems to accommodate new technologies, taking into account technologies, practices, and policies for filing systems in other states.

Questions/requests for copies: Dennis Hankins, Office of the SOS, 350 Howlett Bldg., Springfield IL 62756, 217/524-3356, Fax 217/557-4430, e-mail: dhankins@ilsos.net

Similar SOS amendments to those above are adopted for rules titled "Limited Liability Company Act" (14 Ill Adm Code 178), effective 7/11/06. In addition, a definition of "electronic filing" will permit interactive computer applications for submission, review, and filing of documents under the Act. The rulemaking permits certain documents or reports required under the Act to be submitted electronically.

The submission must include the name of the person making the submission, and listing of that name constitutes an affirmation that the instrument is his or her act or the act of the corporation and that the stated facts are true. Compliance with this new rule is deemed to comply with the statutory signature requirements for forms filed with the Secretary. Other provisions of that statute governing acknowledgment remain in effect. Sales of information may be conducted online, and payment may be by debit card or electronic fund transfer. The rulemaking also announces that SOS is authorized to adopt practices, procedures, and systems to accommodate new technologies. A change since 1st Notice removes proposed text that permitted sales of information online and payment by debit card or electronic fund transfer only at the discretion of the Secretary of State. Limited liability companies may be affected by this rulemaking.

Questions/requests for copies: Chuck Moles, Office of the SOS, 351 Howlett Bldg., Springfield IL 62756, 217/782-4875.

SOS BUSINESS SERVICES

The SECRETARY OF STATE Department of Business Services adopted 2 rulemakings to technologically upgrade its operations. New sections are added to "Business Corporation Act" (14 Ill Adm Code 150) and "General Not for Profit Corporations" (14 Ill Adm Code 160), both effective 7/11/06, to permit certain documents or reports required under these 2 Parts to be submitted electronically. The submission must include the name of the person making the submission, and listing of that name constitutes an affirmation that the instrument is his or her act or the act of the corporation and that the stated facts are true. Compliance with these new rules will be deemed compliance with the statutory provisions for signatures on forms filed with the Secretary under the Business Corporation Act of 1983 and the General Not for Profit Corporation Act of 1986. A change since 1st Notice

SECURITIES DEALERS

The SECRETARY OF STATE also adopted emergency amendments to rules titled "Regulations Under Illinois Securities Law of 1953" (14 Ill Adm Code 130), effective 7/11/06, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings incorporate a new definition of a "branch office" developed by the various professional organizations. The new definition is any location where a person with a registered dealer conducts sales transactions regarding a security, excluding an office devoted solely to customer service or "back office" type work, an office used less than 30 days a year for securities sales, a temporary location, or an office of convenience generally not held out to the public as an office, among others. Restrictions regarding an exemption for the use of a personal

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residence are prescribed. Form provisions are amended as well. These rulemakings may affect a minimal number of small securities dealers.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/11/06: Vickie Moseley, SOS Securities Dept., 300 W. Jefferson, Rm. 300 A, Springfield, IL 62702, 217/782-2256 or Tanya Solov, SOS Securities Dept., 69 W. Washington, Ste. 1220, Chicago IL 60602, 312/793-3384.

DENTAL LICENSURE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

adopted emergency amendments to its rules titled "Illinois Dental Practice Act" (68 Ill Adm Code 1220), effective 7/18/06, that implement provisions of Public Act 94-409, the reauthorization of the Illinois Dental Practice Act [225 ILCS 25]. The emergency rulemaking extends license renewal periods from every 2 years to every 3 years, beginning 9/30/06. In addition, licensure renewal fees are updated to reflect the 1-year extension to the renewal periods for dentists (from \$200 to \$300), dental specialists (from \$200 to \$300), dental hygienists (from \$100 to \$150), and those who additionally have anesthesia and sedation permits (from \$200 to \$300). Similar, but not identical, proposed amendments appear in

this issue of the *Illinois Register*. They mirror the changes made by the emergency rulemaking but also include amendments that reflect the creation of the Department of Financial and Professional Regulation through the combination of several separate agencies a few years ago. Those affected by this rulemaking include dentists and others licensed under the Illinois Dental Practice Act.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/11/06: Barb Smith, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

Proposed Regulations

dress, 312/814-4925, e-mail: tipsordm@ipcb.state.il.us. Please reference docket R06-25.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to "Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) to address recent statutory changes regarding qualified Illinois domestic relations orders (QILDROs) mandated by Public Act 94-657. Pension systems may pay out a percentage of a pension benefit instead of a straight dollar amount. The rulemaking sets out minimum requirements for a valid QILDRO calculation order issued by a court: the order must be issued by an Illinois court of competent jurisdiction and accompanied by the non-refundable \$50 processing fee, the order must identify and be directed to the System, and the order must correspond with a valid underlying QILDRO already filed with the System, among other elements. Provisions for correcting prior deficiencies in a QILDRO order are repealed. Further amendments address QILDRO statutory changes for retirement benefits, re-

funds, or lump-sum benefits. Minimum elements of statements provided by the System to TRS members and parties benefited by a QILDRO order are detailed. TRS income tax reporting policies concerning QILDRO orders are prescribed, also.

Questions/requests for copies/comments until 9/11/06: Cynthia Fain, TRS, 2815 W. Washington, Springfield IL 62794-9253, 217/753-0375.

NEWBORN HEARING SCREENING

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Universal Newborn Hearing Screening Program" (89 Ill Adm Code 504) placing greater emphasis on detecting hearing loss in newborns and providing services more efficiently for infants diagnosed with significant hearing loss. Such infants will be referred to the University of Illinois at Chicago Division of Specialized Care for Children (DSCC), which serves children with special care needs, and the Early Intervention Program. The rulemaking adds definitions for "family case management" and "hearing and vision connections". Family case management is an early identification pro-

gram to provide links to services that improve the health and development of children and families. The Hearing and Vision Connections Program is a statewide early intervention program that provides training, resources, referrals, and technical assistance for deaf, hard of hearing, or visually impaired infants and toddlers. Screening criteria for infants must detect hearing loss greater than or equal to 35dBHL (decibel hearing level) at a minimum, and hospitals must provide information about newborn hearing screening to parents or guardians of newborns. The rulemaking also makes technical changes to the reporting and tracking requirements that hospitals must abide by when reporting hearing screening results to the Illinois Department of Public Health, and the duties of the Newborn Hearing Screening Advisory Committee are modified. Those affected by this rulemaking include medical service providers for children with disabilities.

Questions/requests for copies/comments until 9/11/06: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

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Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's August 8, 2006 meeting in Chicago.

PROPERTY TAX APPEAL BOARD

"Practice and Procedure for Appeals Before the Property Tax Appeal Board" (86 Ill Adm Code 1910) proposed 4/28/06 (30 Ill Reg 7844)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Pharmacy Practice Act of 1987" (68 Ill Adm Code 1330) proposed 4/21/06 (30 Ill Reg 6641)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Long Term Care Reimbursement Changes" (89 Ill Adm Code 153) proposed 4/14/06 (30 Ill Reg 6257)

"Medical Payment" (89 Ill Adm Code 140) proposed 4/14/06 (30 Ill Reg 6230)

DEPT. OF HUMAN SERVICES

"Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113) proposed 4/21/06 (30 Ill Reg 6662)

"Food Stamps" (89 Ill Adm Code 121) proposed 4/21/06 (30 Ill Reg 6673)

DEPARTMENT OF NATURAL RESOURCES

"Operation of Watercraft Carrying Passengers for Hire on Illinois Waters" (17 Ill Adm Code 2080) proposed 6/2/06 (30 Ill Reg 9986)

DEPT. OF TRANSPORTATION

"Prequalification of Contractors and Issuance of Plans and Proposals" (44 Ill Adm Code 650) proposed 6/2/06 (30 Ill Reg 9991)

DEPARTMENT OF VETERANS' AFFAIRS

"Veterans' Scratch-Off Lottery Grants" (95 Ill Adm Code 123) proposed 5/5/06 (30 Ill Reg 8398)